

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, January 18, 2022

Hearing Room 1675

11:00 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1600995352>

ZoomGov meeting number: 160 099 5352

Password: 537378

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

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Judge Robert N. Kwan's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the
"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these
proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

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Chapter

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#1.10 Hearing re: Plan trustee's motion for order enforcing plan

Docket 778

***** VACATED *** REASON: Cont'd to 1/25/22 at 11 a.m. per stipulation
& Order filed 1/14/22 dkt # 810**

Tentative Ruling:

Updated tentative ruling as of 1/14/22. Off calendar. Continued by stipulation and order to 1/25/22 at 11:00 a.m. No appearances are required on 1/18/22.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley
Philip Kaufler
Steven R Fox
Lewis R Landau

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2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01466 Avery v. Gia Phu Fashion Garment Co.

#1.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent and unauthorized postpetition transfers
fr. 8/4/21, 10/6/21, 12/8/21

Docket 1

Tentative Ruling:

The court has reviewed the parties' joint status report and will set the following pretrial schedule: (1) deadline to file motions to join other parties or to amend the pleadings: 4/30/22; (2) discovery cutoff date: 10/31/22; (3) deadline to file dispositive pretrial motions: 12/31/22; and (3) post-discovery status conference: 11/15/22 at 1:30 p.m. The court will order the matter referred to mediation, and the parties to file a selection of a mediator and an alternate mediator by 6/30/22 and complete mediation by 12/31/22. Plaintiff to lodge a proposed scheduling order within 7 days after the status conference. Appearances are required on 1/18/22, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Gia Phu Fashion Garment Co.

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
David Wood
D Edward Hays

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CONT... Kody Branch of California, Inc.

Chapter 7

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

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11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01468 Avery v. Baldwin Sun Inc.

#2.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent and transfers
fr. 8/4/21, 10/6/21, 12/8/21

Docket 1

Tentative Ruling:

The court has reviewed the parties' joint status report and will set the following pretrial schedule: (1) deadline to file motions to join other parties or to amend the pleadings: 4/30/22; (2) nonexpert fact discovery cutoff date: 10/31/22; (3) expert witness fact discovery cutoff date: 12/31/22; (4) deadline to file dispositive pretrial motions: 12/31/22; and (4) post-discovery status conference: 11/15/22 at 1:30 p.m. The court will order the matter referred to mediation, and the parties to file a selection of a mediator and an alternate mediator by 6/30/22 and complete mediation by 12/31/22. Plaintiff to lodge a proposed scheduling order within 7 days after the status conference. Appearances are required on 1/18/22, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Baldwin Sun Inc.

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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CONT... Kody Branch of California, Inc.

Chapter 7

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

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11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01469 Avery v. Trinh Vuong Garment Co., Ltd.

#3.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers
fr. 8/4/21, 10/6/21, 12/8/21

Docket 1

Tentative Ruling:

The court has reviewed the parties' joint status report and will set the following pretrial schedule: (1) deadline to file motions to join other parties or to amend the pleadings: 4/30/22; (2) discovery cutoff date: 10/31/22; (3) deadline to file dispositive pretrial motions: 12/31/22; and (3) post-discovery status conference: 11/15/22 at 1:30 p.m. The court will order the matter referred to mediation, and the parties to file a selection of a mediator and an alternate mediator by 6/30/22 and complete mediation by 12/31/22. Plaintiff to lodge a proposed scheduling order within 7 days after the status conference. Appearances are required on 1/18/22, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Trinh Vuong Garment Co., Ltd.

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
David Wood
D Edward Hays

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CONT... Kody Branch of California, Inc.

Chapter 7

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

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11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01473 Avery v. Sio, LLC

#4.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers
fr. 8/4/21, 10/6/21, 12/8/21

Docket 1

Tentative Ruling:

The court has reviewed the parties' joint status report and will set the following pretrial schedule: (1) deadline to file motions to join other parties or to amend the pleadings: 4/30/22; (2) nonexpert fact discovery cutoff date: 10/31/22; (3) expert witness fact discovery cutoff date: 12/31/22; (4) deadline to file dispositive pretrial motions: 12/31/22; and (4) post-discovery status conference: 11/15/22 at 1:30 p.m. The court will order the matter referred to mediation, and the parties to file a selection of a mediator and an alternate mediator by 6/30/22 and complete mediation by 12/31/22. Plaintiff to lodge a proposed scheduling order within 7 days after the status conference. Appearances are required on 1/18/22, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Sio, LLC

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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CONT... Kody Branch of California, Inc.

Chapter 7

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

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11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01479 Avery v. Trinh

#5.00 Cont'd status conference re: Complaint for (1) breach of fiduciary duty; (2) conversion; (3) misappropriation of trade secrets; (4) wrongful disparagement of debtor's assets; (5) avoidance, recovery, and preservation of preferential transfers; (6) avoidance, recovery, and preservation of preferential transfers; (6) avoidance, recovery, and preservation of actual fraudulent transfers; (7) avoidance, recovery, and preservation of constructive fraudulent transfers; (8) unauthorized post-petition transfers; and (9) turnover of property of the estate
fr. 8/4/21, 10/6/21, 12/8/21

Docket 1

***** VACATED *** REASON: Cont'd from 1/18/22 to 5/10/22 at 11:30 a.m.
per stip & order entered on 12/20/21-pp.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 5/10/22 at 11:30 a.m. No appearances are required on 1/18/22.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Tony Trinh

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack

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CONT... Kody Branch of California, Inc.

Chapter 7

D Edward Hays
David Wood

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1:30 PM

2:16-24931 Anthony Roy Martinez

Chapter 7

Adv#: 2:17-01158 Carter et al v. Martinez

#6.00 Cont'd status conference re: Complaint to except debt from discharge for willful and malicious injury and as money obtained under false pretenses; fraud
[11 U.S.C. § 523 (a)2)(A) & (6)]
fr. 7/27/21, 11/2/21, 12/7/21

Docket 1

***** VACATED *** REASON: Cont'd to 3/22/22 at 1:30 p.m. on courts own motion.**

Tentative Ruling:

Updated tentative ruling as of 1/18/22. Off calendar. The court has reviewed the joint status report filed on 1/17/22, requesting a further continuance of the status conference because of the pendency of defendant's preliminary hearing in his criminal case in state court, which was continued to 3/7/22 and may have an impact on this adversary proceeding. The court on its own motion continues the status conference on 1/18/22 to 3/22/22 at 1:30 p.m. No appearances are required on 1/18/22.

Party Information

Debtor(s):

Anthony Roy Martinez

Represented By
Christian T Kim

Defendant(s):

Anthony Roy Martinez

Pro Se

Plaintiff(s):

Lance Carter

Represented By
Dana M Douglas

Jean Holmes

Represented By
Dana M Douglas

Carriage Estates LLC

Represented By

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CONT... Anthony Roy Martinez

Chapter 7

Dana M Douglas

Adamantine Investments LLC

Represented By
Dana M Douglas

Sterling Holdings LLC

Represented By
Dana M Douglas

Lance Carter IRA 419990

Pro Se

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
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1:30 PM

2:19-12016 MINSEOK LEE

Chapter 7

Adv#: 2:19-01163 Starbucks Corporation v. Lee

#7.00 Cont'd status conference re: Complaint and demand for jury trial
fr. 9/14/21, 10/27/21, 11/30/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/17/22. Off calendar. The court has reviewed the joint status report of the parties, filed on 1/14/22, stating that a dispositive stipulation is being circulated to resolve the adversary proceeding. The court on its own motion continues the status conference to 2/22/22 at 1:30 p.m. to allow parties time to circulate and file their dispositive stipulation. No appearances are required on 1/18/22.

Prior tentative ruling as of 11/12/21. No tentative ruling on the merits. Appearances are required on 11/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 10/25/21. The court has reviewed the joint status report stating that the parties are settling the matter. The parties should report when they will be able to file a stipulation for dismissal or for settlement. Appearances are required on 10/26/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 9/13/21. The court has recently listened to the audio file for the status conference in this matter on 6/30/20, and heard that the court had adopted the schedule of proceedings set forth in its tentative ruling for the status conference below after counsel for both sides indicated their agreement with the schedule and counsel for plaintiff agreed to submit a proposed scheduling order as the court requested:

Tentative ruling for 6/30/20 status conference:

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CONT... MINSEOK LEE

Chapter 7

"The court will inquire whether the parties have fully complied with the meet and confer requirement of LBR 7026-1. Set a discovery cutoff date of 12/31/20 and a post-discovery status conference on 1/12/21 at 1:30 p.m. The court does not set the matter for a pretrial conference at this time in light of the current uncertainty from the COVID-19 pandemic and its effect on when the court will be conducting in person trials. At the postdiscovery status conference, the court will discuss with counsel the possibility of conducting the trial remotely by videoconference technology. The court will also discuss the possibility of referral to the court's voluntary mediation program. Appearances are required on 6/30/20, but counsel and self-represented parties must appear by telephone. Due to the public health emergency from the coronavirus disease (COVID-19) outbreak declared in the State of California and the United States of America and to minimize the spread of the disease from in person social contact, this court is only conducting hearings with telephonic appearances for this matter and that this court will not be holding in person hearings by the date of this hearing. Counsel and self-represented parties must arrange their telephonic appearances through CourtCall, which is offering a discount on fees for attorneys and waiving all fees for self-represented parties. Information about arranging a telephonic appearance through CourtCall is posted on the court's website."

The court also heard it requesting counsel for plaintiff, Mr. Figgins, agree to lodge a proposed scheduling order, and Mr. Figgins agreeing to do so, and at the end of the status conference, the court reminded Mr. Figgins not to forget to lodge the proposed scheduling order. However, counsel for plaintiff never lodged the proposed scheduling order, and there is no written scheduling order on file.

However, the court had set a discovery cutoff date of 12/31/20, which has not been changed. Discovery is now cut off, and the court should set a pretrial conference and a trial in this matter.

Appearances are required on 9/14/21 to set pretrial conference and trial dates, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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CONT...

MINSEOK LEE

Chapter 7

Revised and updated tentative ruling as of 8/10/21. The court has reviewed defendant's unilateral status report filed on 8/9/21. The status conference in this matter has been continued to facilitate settlement discussions between the parties, but apparently, such discussions have not taken place or have not been fruitful. Defendant recommends that a pretrial conference be set no earlier than 10/1/21, which seems reasonable in the court's view. Since the parties are not able to settle the matter, a pretrial conference should be set to prepare the matter for trial. Appearances are required on 8/10/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/24/21. No tentative ruling on the merits. Appearances are required on 3/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/1/21. The court has listened to the audio file for the last status conference on 6/30/20, wherein the court had set a discovery cutoff date of 12/31/20, ordered a further status conference for 1/12/21 at 1:30 p.m., ordered the parties to mediation to be completed by the further status conference and ordered counsel for plaintiff to submit a proposed scheduling order with these scheduled dates within one week. However, counsel for plaintiff never submitted the scheduling order as the court ordered. For lack of a scheduling order, the court incorrectly noted the further status conference on the docket for 1/21/21 at 1:30 p.m. which was continued to 2/2/21 at 1:30 p.m. The court orders counsel for plaintiff to show cause why sanctions should not be imposed against them for failure to submit a proposed scheduling order as ordered. The parties should discuss the status of mediation and setting a date for a pretrial conference if the matter is not settled. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

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CONT... MINSEOK LEE

Chapter 7

Party Information

Debtor(s):

MINSEOK LEE

Represented By
Jaenam J Coe

Defendant(s):

Minseok Lee

Pro Se

Plaintiff(s):

Starbucks Corporation

Represented By
Shayne Figgins
Maria Keller

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
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2:19-15197 Anthony Robert Wafford

Chapter 7

Adv#: 2:21-01102 Byrd v. Wafford et al

#8.00 Order to show cause hearing why defendant's attorney Winston Kevin McKesson should not be sanctioned for failure to appear at the December 14, 2021 conference

Docket 18

***** VACATED *** REASON: OSC Discharged per order entered 1/12/22
dkt 32 nv**

Tentative Ruling:

Off calendar. Having reviewed counsel's declaration in response to the order to show cause, the court has issued a written order discharging the order to show cause. No appearances are required on 1/18/22.

Party Information

Debtor(s):

Anthony Robert Wafford

Represented By
Winston Kevin McKesson

Defendant(s):

Tony Wafford

Represented By
Winston Kevin McKesson

The Palms Residential Care Facility

Pro Se

Does 1 through 100

Pro Se

Plaintiff(s):

Sharon Song Byrd

Represented By
Jeffrey W Cowan

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
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1:30 PM

2:19-15197 Anthony Robert Wafford

Chapter 7

Adv#: 2:21-01102 Byrd v. Wafford et al

#9.00 Cont'd status conference re: Complaint to determine dischargeability of debt pursuant to 11 U.S.C. 523(a)(6) fr. 8/10/21, 12/14/21

Docket 1

***** VACATED *** REASON: Cont'd to 2/8/22 at 2:30 per order entered 1/12/22 nv**

Tentative Ruling:

Updated tentative ruling as of 1/12/22. Off calendar. Continued on the court's own motion to 2/8/22 at 2:30 p.m. No appearances are required on 1/18/22.

Prior tentative ruling as of 12/10/21. No tentative ruling on the merits. Since discovery cutoff date of 12/10/21 has been reached and the matter is not settled, the court will set the matter for pretrial conference and trial. Appearances are required on 12/14/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 8/9/21. Having reviewed the joint status report, the court tentatively sets the following pretrial schedule: (1) deadline of 9/7/21 to file motions to join other parties or to amend pleadings; (2) discovery completion deadline of 12/10/21; (3) deadline of 12/10/21 to file dispositive motions; (4) the matter is ordered to mediation, and parties to file a request for selection of a mediator and an alternate mediator on or before 9/7/21; (5) deadline of 12/10/21 to complete mediation; and (6) post-discovery status conference set for 12/14/21 at 1:30 p.m. Counsel for plaintiff to lodge a proposed scheduling order within 7 days of the status conference.

Appearances are required on 8/10/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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CONT... Anthony Robert Wafford

Chapter 7

Debtor(s):

Anthony Robert Wafford

Represented By
Winston Kevin McKesson

Defendant(s):

Tony Wafford

Pro Se

The Palms Residential Care Facility

Pro Se

Does 1 through 100

Pro Se

Plaintiff(s):

Sharon Song Byrd

Represented By
Jeffrey W Cowan

Trustee(s):

Jason M Rund (TR)

Pro Se

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2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#10.00 Cont's status conference re: Trustee's complaint: (1) to avoid and recover fraudulent transfer; (2) for turnover; and (3) for declaratory relief
fr. 12/15/20, 2/9/21, 7/13/21

Docket 1

***** VACATED *** REASON: Dismissed per stip & order entered on
8/11/21-mb.**

Tentative Ruling:

Off calendar. The status conference is moot because the adversary proceeding has been dismissed by stipulation and order. No appearances are necessary.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Pro Se

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman

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2:00 PM

2:18-21855 Michael Richard Shapiro

Chapter 7

Adv#: 2:19-01009 Vechery v. Shapiro

#11.00 Cont'd Pre-Trial Technical Status Conference re: Complaint to determine non-dischargeability of debt under bankruptcy code section 523
fr. 8/31/21, 11/2/21, 11/30/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/14/22. Off calendar. The court has reviewed plaintiff's unilateral status memorandum filed on 1/13/22, stating that the parties have settled and need two to three weeks to document their settlement. The court on its own motion continues the pretrial conference for this purpose to 2/22/22 at 2:00 p.m. No appearances are required on 1/18/22.

Prior tentative ruling as of 11/29/21. Since the discovery is now cut off and the parties have not advised the court that they have settled the matter, the court will reschedule the pretrial conference which was last set for 11/2/21 to 1/18/22 at 1:30 p.m. and the deadline for filing the joint pretrial stipulation pursuant to LBR 7016-1 for 1/11/22. Appearances are required on 11/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 10/28/21. No tentative ruling on the merits. Appearances are required on 11/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Revised and updated tentative ruling as of 2/12/21. The court has reviewed the joint status report. Set a discovery cutoff date of 5/28/21, set a cutoff date of 3/15/21 for filing motions to join new parties or to amend pleadings, and set a postdiscovery status conference for 6/15/21 at 1:30 p.m. with a status report due on 6/8/21. Alternatively, the court can just set a date for a pretrial conference instead of the postdiscovery status conference. The court will refer this matter to the court's mediation program, and mediation should be completed by 6/15/21. Regarding defendant's request that further

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CONT... Michael Richard Shapiro

Chapter 7

proceedings be conducted by telephone or video conference, the court will be conducting hearings remotely for the time being as the federal courthouses in this district are currently closed for in person hearings. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 1/15/21. Off calendar. The court has reviewed the joint status report. In light of the recently filed amended complaint and answer thereto, the substitution of counsel for plaintiffs and the lack of recollection that the counsel ever conducted a LBR 7026-1 meeting, the court orders that the counsel conduct a LBR 7026-1 meeting within the next three weeks, file an updated joint status report on 2/9/21 and appear for a further status conference on 2/16/21 at 1:30 p.m. No appearances are required on 1/19/21 as the court continues the status conference to 2/16/21 at 1:30 p.m.

Revised and updated tentative ruling as of 8/3/20. The court has reviewed plaintiff's unilateral statement for the status conference filed on 8/3/20. Apparently, the mediation has not yet been conducted. According to plaintiff in his statement, he believes that an in person mediation would be more successful than one by videoconference, but defendant is not willing to have an in person mediation in light of current pandemic conditions, suggesting that the parties be allowed to complete an in person mediation by February 2021, assuming the pandemic subsides. Since the statement was unilateral, the court will hear from both parties as to the status of the pending mediation and the scheduling of further proceedings, including whether plaintiff intends to further amend the complaint as stated in its motion to extend discovery deadlines filed on 6/30/20. Appearances are required on 8/4/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 4/27/20. The court has reviewed plaintiff's unilateral status report and defendant's joinder and grants joint request to continue scheduling dates as follows: (1) discovery cutoff date extended from 3/31/20 to 6/30/20; (2) status report filing due date extended from 4/21/20 to 7/28/20; (3) status conference continued from 4/28/20 at 1:30 p.m. to 8/4/20 at 1:30 p.m.; and (4) mediation completion deadline extended from 4/28/20 to 8/4/20. Plaintiff to lodge a proposed updated scheduling order within 7 days.

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CONT... Michael Richard Shapiro

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Revised tentative ruling as of 10/7/19. The court has reviewed modified joint status report. Set a discovery cutoff date of 3/31/20, and a post-discovery status conference on 4/28/20 at 1:30 p.m. with a joint status report due on 4/21/20. Defendant should address why the matter is not amenable to mediation. Appearances are required on 10/8/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/29/19. No tentative ruling in light of the pending motion to dismiss the second amended complaint. The court will hear argument on the motion to dismiss at the same time as the status conference on the 1:30 p.m. calendar. Appearances are required on 7/30/19 at 1:30 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. Appearances are required on 5/14/19, but counsel may appear by telephone.

Party Information

Debtor(s):

Michael Richard Shapiro

Represented By
Charles Shamash
Joseph E. Caceres

Defendant(s):

Michael Richard Shapiro

Pro Se

Plaintiff(s):

Harvey Vechery

Represented By
Tom Lallas
Mark D Hurwitz

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1675

2:00 PM

2:14-22240 Shany Benmoshe

Chapter 7

Adv#: 2:20-01060 Ben-Moshe et al v. California State Board Of Equalization et al

#11.10 Order to show cause why adversary proceeding should not be dismissed for lack of prosecution

Docket 48

Tentative Ruling:

No tentative ruling as of 1/12/22. Appearances are required on 1/18/22, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Shany Benmoshe

Represented By
Simon Aron
Barry E Cohen

Defendant(s):

California State Board Of

Pro Se

California Department of Tax and

Represented By
John C Keith

Plaintiff(s):

Shany Ben-Moshe

Represented By
Barry E Cohen

Shany Benmoshe

Represented By
Barry E Cohen

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1675

2:00 PM

2:14-22240 Shany Benmoshe

Chapter 7

Adv#: 2:20-01060 Ben-Moshe et al v. California State Board Of Equalization

#11.20 Cont'd pretrial conference re: Complaint for 1. declaratory relief; 2. Violation of discharge
fr. 8/17/21, 9/14/21, 11/2/21, 1/4/22

Docket 1

Tentative Ruling:

No updated tentative ruling as of 1/12/22. Appearances are required on 1/18/22, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/3/22. The court has reviewed the joint pretrial stipulation required by LBR 7016-1 for the pretrial conference, which is acceptable to the court. Appearances are required on 1/4/22 to discuss scheduling of the trial, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions. The court is amenable to plaintiff's request for scheduling half days to conduct the trial, and suggests that the trial be conducted in the afternoons from 1:30 to 4:30 p.m.

Prior tentative ruling as of 9/11/21. Since discovery has been taken and appears to be completed, and mediation was unsuccessful, the court intends to abide by the scheduling order of 8/18/21 requiring the parties to file a joint pretrial stipulation by 10/26/21 and setting a pretrial conference for 11/2/21 at 2:00 p.m. Having read counsel's declaration in response to the order to show cause, suggesting that the matter be stayed until debtor can file a new Chapter 7 bankruptcy case in October 2022 on the theory that the debt would be dischargeable in such a case, first, the suggestion is not made in a proper motion, and second, the court is of the view that such suggestion and theory are not well-taken. The tax debt if upheld would still be nondischargeable in a post-October 2022 case as in this case because it is a debt within the meaning of 11 U.S.C. 507(a)(8)(C) as a tax required to be collected or withheld and for which the debtor is liable in whatever capacity. The issue, it

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CONT... Shany Benmoshe

Chapter 7

seems to the court, is that either he is liable as a responsible person or not. Appearances are required on 9/14/21 to discuss scheduling of further proceedings, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 8/16/21. The parties should report if they have completed mediation and discovery, and if the matter is not settled, when it should be set for a pretrial conference. Appearances are required on 8/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling. The court has reviewed the joint status report and notes that the parties do not agree as to dates for a schedule of pretrial proceedings and whether the matter should be ordered to mediation. No tentative ruling on the merits. Appearances are required on 6/9/20 to discuss scheduling and possible referral to mediation, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Shany Benmoshe

Represented By
Simon Aron
Barry E Cohen

Defendant(s):

California State Board Of

Pro Se

Plaintiff(s):

Shany Ben-Moshe

Represented By
Barry E Cohen

Shany Benmoshe

Represented By
Barry E Cohen

Trustee(s):

David M Goodrich (TR)

Pro Se

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2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

#12.00 Hearing re: Amended motion to stay docket 533, stipulation between chapter 7 trustee, Wesley H. Avery and The United States Regarding Internal Revenue Service claim no. 3-1 in the claims register

Docket 537

***** VACATED *** REASON: Per order entered on 12/21/21-pp.**

Tentative Ruling:

Off calendar. The hearing is moot because the court has ruled on the motion by written order. No appearances are necessary.

Party Information

Debtor(s):

Arturo Gonzalez	Pro Se
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Movant(s):

Arturo Gonzalez	Pro Se
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Trustee(s):

Wesley H Avery (TR)	Represented By Brett B Curlee Dennis E McGoldrick
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2:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

#13.00 Hearing re: First interim fee application for allowance of fees and costs by Marshack Hays LLP as general counsel, period: 10/4/2018 to 10/31/2021, Fee: \$255,404, expenses: \$6,440.43
fr. 12/14/21

Docket 494

***** VACATED *** REASON: Off Calendar - Order Approving fees
entered 1/14/22 dkt # 518 nv**

Tentative Ruling:

Updated tentative ruling as 1/14/22. Off calendar. Amended stipulation for approval of professional fee applications approved by order that will be entered by the court, and no appearance is required on 1/18/22.

Prior tentative ruling. The stipulation relating to pending fee applications filed on 12/21/21 seems reasonable to the court, but the court cannot approve it because approval of final fees and expenses of an estate professional, Chapter 11 counsel for debtor in possession, is contrary to LBR 2090-1(c)(4) that all final fee applications by professional persons be considered and heard in a Chapter 7 bankruptcy case with the Chapter 7 trustee's final fee application, and thus, all professional fee applications are considered and approved on a final basis at the end of administration of the Chapter 7 case when the Chapter 7 trustee files the final report and fee application. Otherwise, no tentative ruling on the merits. Appearances are required on 1/18/22, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Trustee(s):

Wesley H Avery (TR)

Represented By
D Edward Hays

**United States Bankruptcy Court
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CONT... Kody Branch of California, Inc.

Chapter 7

Richard A Marshack
Kristofer R McDonald
Jeffrey L Sumpter
David Wood

**United States Bankruptcy Court
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2:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

#14.00 Hearing re: First interim application for compensation of fees and expenses of Menchaca & Company LLP, Financial Advisor, Period: 6/2/2021 to 10/31/2021, Fee: \$41,594.00, Expenses: \$0 fr. 12/14/21

Docket 486

***** VACATED *** REASON: Off Calendar - Order Approving fees entered 1/14/22 dkt # 518 nv**

Tentative Ruling:

Updated tentative ruling as 1/14/22. Off calendar. Amended stipulation for approval of professional fee applications approved by order that will be entered by the court, and no appearance is required on 1/18/22.

Prior tentative ruling. The stipulation relating to pending fee applications filed on 12/21/21 seems reasonable to the court, but the court cannot approve it because approval of final fees and expenses of an estate professional, Chapter 11 counsel for debtor in possession, is contrary to LBR 2090-1(c)(4) that all final fee applications by professional persons be considered and heard in a Chapter 7 bankruptcy case with the Chapter 7 trustee's final fee application, and thus, all professional fee applications are considered and approved on a final basis at the end of administration of the Chapter 7 case when the Chapter 7 trustee files the final report and fee application. Otherwise, no tentative ruling on the merits. Appearances are required on 1/18/22, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Movant(s):

Menchaca & Company LLP

Represented By

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CONT... Kody Branch of California, Inc.

Chapter 7

Jeffrey L Sumpter

Trustee(s):

Wesley H. Avery

Represented By

Kristofer R McDonald

Richard A Marshack

D Edward Hays

David Wood

Jeffrey L Sumpter

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2:17-23722 Kody Branch of California, Inc.

Chapter 7

#15.00 Hearing re: First interim application by chapter 7 trustee for order approving payment of trustee compensation for the period of October 19, 2018, through and including November 22, 2021, fee: \$35,099.23, expenses: \$61.29 fr. 12/14/21

Docket 493

***** VACATED *** REASON: Off Calendar - Order Approving fees
entered 1/14/22 dkt # 518 nv**

Tentative Ruling:

Updated tentative ruling as 1/14/22. Off calendar. Amended stipulation for approval of professional fee applications approved by order that will be entered by the court, and no appearance is required on 1/18/22.

Prior tentative ruling. The stipulation relating to pending fee applications filed on 12/21/21 seems reasonable to the court, but the court cannot approve it because approval of final fees and expenses of an estate professional, Chapter 11 counsel for debtor in possession, is contrary to LBR 2090-1(c)(4) that all final fee applications by professional persons be considered and heard in a Chapter 7 bankruptcy case with the Chapter 7 trustee's final fee application, and thus, all professional fee applications are considered and approved on a final basis at the end of administration of the Chapter 7 case when the Chapter 7 trustee files the final report and fee application. Otherwise, no tentative ruling on the merits. Appearances are required on 1/18/22, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Trustee(s):

Wesley H Avery (TR)

Represented By

**United States Bankruptcy Court
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CONT... Kody Branch of California, Inc.

Chapter 7

D Edward Hays
Richard A Marshack
Kristofer R McDonald
Jeffrey L Sumpter
David Wood

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2:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

#16.00 Hearing re: First and final fee application Of Terzian Law Group, a professional corporation, attorneys for debtor and debtor in possession; period: 5/29/2018 to 10/12/2018, Fee: \$75,033.74, expenses: \$1,156.58
fr. 12/14/21

Docket 490

***** VACATED *** REASON: Off Calendar - Order Approving fees
entered 1/14/22 dkt # 518 nv**

Tentative Ruling:

Updated tentative ruling as 1/14/22. Off calendar. Amended stipulation for approval of professional fee applications approved by order that will be entered by the court, and no appearance is required on 1/18/22.

Prior tentative ruling. The stipulation relating to pending fee applications filed on 12/21/21 seems reasonable to the court, but the court cannot approve it because approval of final fees and expenses of an estate professional, Chapter 11 counsel for debtor in possession, is contrary to LBR 2090-1(c)(4) that all final fee applications by professional persons be considered and heard in a Chapter 7 bankruptcy case with the Chapter 7 trustee's final fee application, and thus, all professional fee applications are considered and approved on a final basis at the end of administration of the Chapter 7 case when the Chapter 7 trustee files the final report and fee application. Otherwise, no tentative ruling on the merits. Appearances are required on 1/18/22, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Movant(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

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CONT... Kody Branch of California, Inc.

Chapter 7

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood
Jeffrey L Sumpter

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood
Jeffrey L Sumpter

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2:17-23722 Kody Branch of California, Inc.

Chapter 7

#17.00 Hearing re Final application for compensation of fees and reimbursement of expenses of CBIZ Valuation Group LLC, as Financial Advisor and consultants for trustee, Period: 10/22/2018 to 5/13/2021, Fee: \$230,474.50, Expenses: \$290.91
fr. 12/14/21

Docket 422

***** VACATED *** REASON: Off Calendar - Order Approving fees
entered 1/14/22 dkt # 518nv**

Tentative Ruling:

Updated tentative ruling as 1/14/22. Off calendar. Amended stipulation for approval of professional fee applications approved by order that will be entered by the court, and no appearance is required on 1/18/22.

Prior tentative ruling. The stipulation relating to pending fee applications filed on 12/21/21 seems reasonable to the court, but the court cannot approve it because approval of final fees and expenses of an estate professional, Chapter 11 counsel for debtor in possession, is contrary to LBR 2090-1(c)(4) that all final fee applications by professional persons be considered and heard in a Chapter 7 bankruptcy case with the Chapter 7 trustee's final fee application, and thus, all professional fee applications are considered and approved on a final basis at the end of administration of the Chapter 7 case when the Chapter 7 trustee files the final report and fee application. Otherwise, no tentative ruling on the merits. Appearances are required on 1/18/22, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Movant(s):

CBIZ Valuation Group LLC

Represented By

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CONT... Kody Branch of California, Inc.

Chapter 7

Jeffrey L Sumpter

Trustee(s):

Wesley H Avery (TR)

Represented By

D Edward Hays

Richard A Marshack

Kristofer R McDonald

Jeffrey L Sumpter

David Wood

**United States Bankruptcy Court
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Hearing Room 1675

2:30 PM

2:19-24787 Bradley Edward Barnes and Allison Platz Barnes

Chapter 7

#18.00 Hearing re: Motion for protective orders by examinees (1) De Castro, West, Chodorow, Mendler, & Glickfeld, Inc. and (2) Benedon & Serlin LLP
fr. 1/11/22

Docket 171

Tentative Ruling:

Updated tentative ruling as of 1/18/22. Although Rule 2004 examinations have been characterized as "fishing expeditions," they still must facilitate the express purposes of the rule, that is, "The examination of an entity under this rule or of the debtor under § 343 of the Code may relate only to the acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge." See Amended Opposition at 7, citing rule and 9 Collier on Bankruptcy, section 2004.01 (16th ed. 2019). While the trustee admits and the examinees argue that the trustee's ability to bring avoidance actions appears to be cut off by the applicable state statutes of limitations and 11 U.S.C. 546, trustee is still investigating possible de facto equitable ownership of the residence and other assets and whether a basis exists for seeking to revoke debtors' discharge. See e.g., *In re Cass*, 606 Fed. Appx. 318, 320-321 (9th Cir. 2015) (debtor had de facto equitable interest in property after fraudulent conveyance subject to attachment of subsequent judgment lien). It is unclear to the court that there is a nexus between the requested records and the potential actions the trustee could take or potential claims she could assert, and trustee should explain this to show that there is some course of action that the trustee can pursue in her administration of the estate in this case. Examinees' reliance on the children's privacy rights under 12 U.S.C. 3405 and the California Constitution appears to be misplaced since they are not financial institutions within the meaning of the Financial Privacy Act, and federal common law, not state law, governs the applicability of evidentiary privileges pursuant to Federal Rule of Evidence 501 regarding matters involving federal question jurisdiction. See *Miller v. United States*, 425 U.S. 435 (1976) (no Fourth Amendment right to privacy in bank records). Otherwise, no tentative ruling on motion for protective order curtailing further Rule 2004 examination and production of documents).

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CONT... Bradley Edward Barnes and Allison Platz Barnes

Chapter 7

Appearances are required on 1/18/22, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Bradley Edward Barnes

Represented By
Susan I Montgomery

Joint Debtor(s):

Allison Platz Barnes

Represented By
Susan I Montgomery

Trustee(s):

Carolyn A Dye (TR)

Represented By
James A Dumas Jr
Christian T Kim
Ann Chang